

Process for Managing Data Subject Rights Requests

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V3.0

Document Change control

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V1.0	19/03/2021	Initial Version	Amanda Hinde, Market Design
V2.0	13/05/2021	Included section 'Important administrative note'	Amanda Hinde, Market Design
V3.0	09/02/2023	Kissflow decommissioned, DSRR Record to be transferred via parties' own secure method	Amanda Hinde, Market Design

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Introduction

Background

Ofwat approved the change proposal [CPM033: Improved process for managing Data Subject Rights Requests \(DSRRs\)](#) on 9 March 2021. CPM033 will be implemented on 14 May 2021.

Purpose of this document

This document provides guidance to Trading Parties on when to use the improved process for managing Data Subject Rights Requests (DSRRs)¹ and how to use this process.

Overview

CPM033 sets out an improved process for handling DSRRs (contained in the Market Arrangements Code Schedule 13 Part D), and a new form to be known as the “**DSRR Record**”. With the implementation of My MOSL, Kissflow has been decommissioned as a communication channel for MOSL. This means that the digital DSRR Record which was hosted on Kissflow will now be available as a downloadable document for Trading Parties to use to communicate with each other regarding DSRRs.

If a Trading Party receives a DSRRs which involved working with other Trading Parties or the Market Operator, the recipient of the DSRR should download, fill out and transfer a DSRR Record to the other parties necessary to deal with the DSRR.

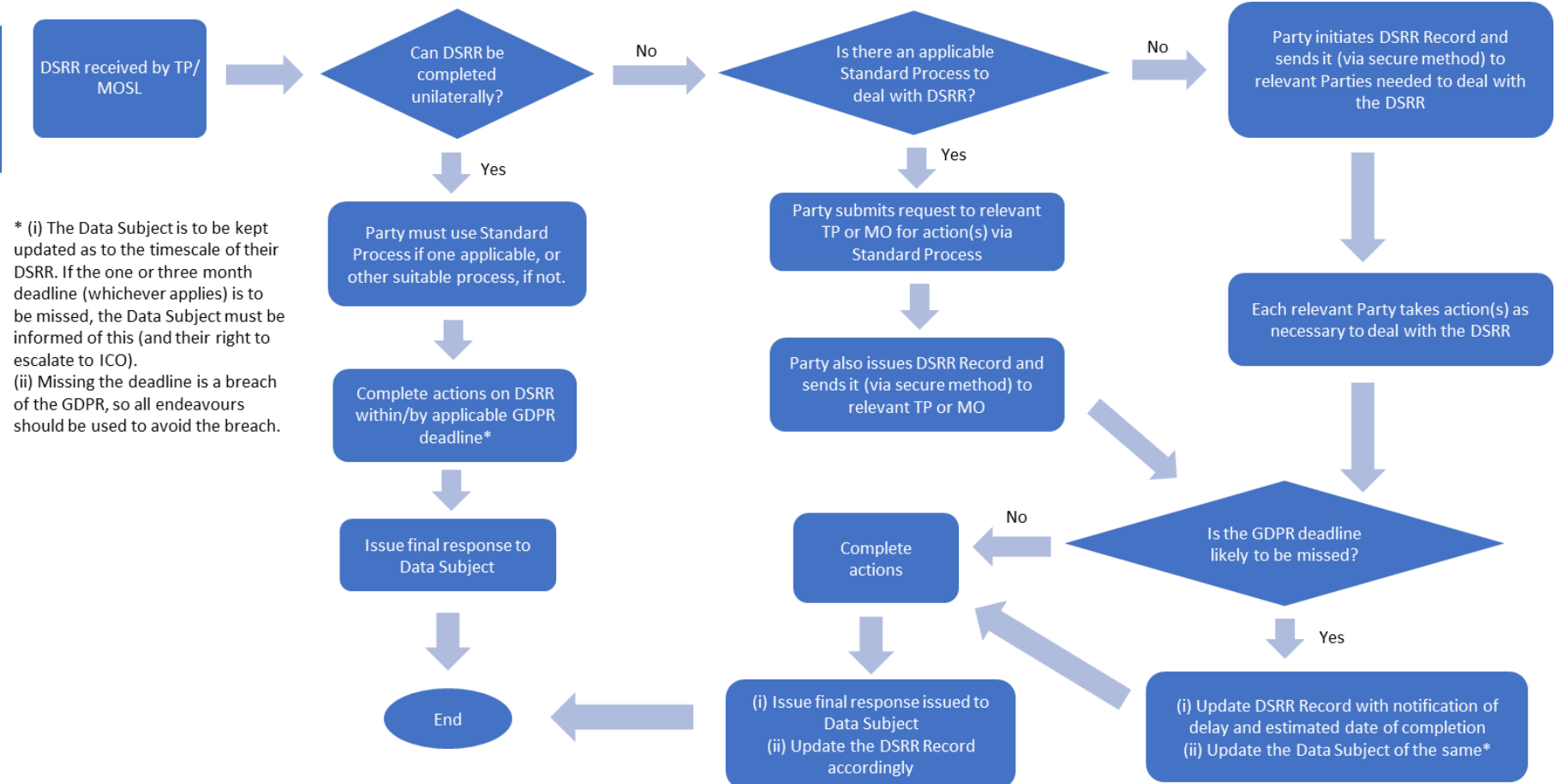
Parties should expedite their actions to deal with DSRRs without undue delay and in any event within one month of receipt, or within a total of three months from receipt in a complex case². Parties should update the DSRR Record with actions, in particular when the DSRR is completed, refused, or delayed (if that delay jeopardises meeting the UK-GDPR deadline).

¹ The types of DSRR are set out in Articles 15 to 22 of the UK General Data Protection Regulation).

² Set out in Article 12 of the UK- GDPR.

Process Diagram

NB: assessment of whether it is a DSRR is done here – outside of regime.



Process steps

Dealing with a request unilaterally

Upon receipt of a DSRR, a Trading Party or the Market Operator will determine if it can deal with the DSRR in full without the assistance of any other party. If yes, that party should deal with the request in accordance with Data Protection Laws (this being the UK-GDPR and the Data Protection Act 2018), using a Standard Process where one is applicable, or other suitable processes or transactions if not, and respond to the Data Subject accordingly.

Notes:

- (a) a DSRR Record should not be issued in this instance since the assistance of other parties is not required;
- (b) the assessment of whether the request is indeed a DSRR from a Data Subject (or someone authorised by him/her) is at the judgement of the party concerned;
- (c) the assessment of whether the DSRR can be dealt by the party by itself, whether a Standard Process is applicable and, if not, which other operational or internal processes to use, is at the judgement of the party concerned;
- (d) this regime is substantially the same as that previously in the MAC, with the exception that a party is not restricted to using a Standard Process since the party may still be able to deal with a DSRR unilaterally, regardless of whether a Standard Process applies.

Dealing with a request with the assistance of other parties:

If a Trading Party or the Market Operator (who first receives the DSRR from the Data Subject – i.e. the initial ‘DSRR Recipient’) determines it cannot deal with the DSRR in full by itself, and requires the assistance of other Trading Parties and/or the Market Operator, it should determine whether a Standard Process or Processes can be used to deal with the DSRR.

Standard Process is applicable

[i] As soon as is practicable but no later than 3 Business Days of receipt of the request, the initial DSRR Recipient (‘DSRR Record Initiator’) should (a) submit the request by initiating the relevant Standard Process (including standard Operational Forms) to commence action on the DSRR, and (b) issue a DSRR Record to the other parties necessary to deal with the DSRR. Once the parties have dealt with the DSRR to completion under the Standard Process(es), the Data Subject should be informed accordingly.

Notes:

- (a) in this scenario the purpose of the DSRR Record is to identify to the party or parties on the receiving end of the Standard Process that it has been initiated in order to deal with a DSRR (not for business-as-usual reasons) and allow them to expedite their actions as necessary. It also enables all interested parties to the DSRR to track its progress;

(b) the DSRR Record Initiator should indicate the date the DSRR was received and identify (e.g. by name, ID or reference number) which Standard Process has been initiated; thereafter the party or parties dealing with the request should update the DSRR Record with actions, in particular when it is completed, refused, or delayed (if that delay jeopardises meeting the UK-GDPR deadline);

(c) when a party completes their DSRR action they should issue the response to the Data Subject, however the option for one of the other interested parties to do so has been left open.

Standard Process is not applicable

[ii] In this case, the DSRR Record is the only means to deal with DSRRs which require a multi-party involvement. The initial DSRR Recipient should therefore, as soon as is practicable but no later than 3 Business Days of receipt of the request, issue a DSRR Record to the other parties necessary to deal with the DSRR. Once the other parties have dealt with the DSRR to completion, the Data Subject should be informed accordingly.

Notes:

(a) parties must fill out all sections of the DSRR Record which are applicable, and which enable the DSRR to be dealt with; mandatory sections will be indicated;

(b) when passing on the DSRR – by issuing the DSRR Record – to the other parties necessary to deal with it, the DSRR Recipient may describe in the DSRR Record what action is understood to be required based on information provided by the Data Subject or in the DSRR, however it will ultimately be for those other parties to determine how to handle the request or the aspect of it they are responsible for, in accordance with Data Protection Laws;

(c) parties should update the DSRR Record with actions, in particular when the DSRR is completed, refused, or delayed (if that delay jeopardises meeting the GDPR deadline);

(d) the Data Subject should be issued with a final response upon completion of the DSRR (or, if there are lawful grounds to do so, upon refusal of the DSRR).

Refusing a request

If there are lawful grounds under Data Protection Laws to refuse to deal with all or part of a DSRR, a party may choose to do so. The assessment of whether there are any grounds to refuse, and when in the process to determine this, is at the judgement of the party concerned. The ability of a party to refuse is allowed for in the previous DSRR Form and is inherent in section 15 of the MAC (which essentially requires parties to act in accordance with Data Protection Laws). The new DSRR Record maintains this possibility.

Who should handle a request?

The persons best placed to deal with DSRRs should be the Data Protection Officer (DPO) and/or some other person with relevant data protection expertise and/or training. This is because of the determinations that will need to be made and the interactions between parties. This person may be a designated data protection

contact (for organisations without a DPO), or a contract manager if appropriately trained. Parties will be required to nominate at least two such qualified contacts for the handling of DSRRs.

The contact information for such nominated contacts will be added to a contact list held by the Market Operator, and Trading Parties will be expected to update the contact list as and when there is a change to their personnel so that the list remains current. This will enable the Market Operator and Trading Parties to interact as necessary, via their nominated contacts, in relation to DSRRs.

Meeting the UK-GDPR Deadline

Parties should expedite their actions to deal with DSRRs without undue delay and in any event within one month of receipt, or within a total of three months from receipt in a complex case. Where a party seeks to extend the time for responding from one month to three, it is required to inform the Data Subject within that first month and provide reasons for the delay.

The “GDPR clock” stops when the Data Subject has received a substantive response (i.e. that the request has been completed or that it cannot be completed, and why). The party who provides this response does not have to be the party the Data Subject initially contacted, because – as per the MAC – the Market Operator and all Trading Parties are joint Data Controllers, and therefore any relevant Party can give the substantive response.

Important administrative note

Trading parties are required to nominate between **two** and **four** appropriate contacts. One of these should be the Data Protection Officer (DPO) (or designated primary Data Protection Contact for organisations without DPOs). Other contacts should have data protection experience or qualifications.

Secure method for transferring DSRR Record

As the DSRR Record on Kissflow was not used by any Trading Parties since its implementation, the DSRR Record was not deemed to be of sufficient usage to be migrated to My MOSL. As a result, the DSRR Record has been made into a paper form that can be downloaded from MOSL’s website on [GDPR compliance](#). Trading Parties are expected to use a secure method to transfer DSRR Record to other parties. Transfer using encrypted email, or a secure SharePoint Site, would both be acceptable methods.

Contact details of nominated contact points

To facilitate communication amongst Trading Parties when dealing with DSRRs that cannot be dealt with by one party alone, the contact details of these nominated contact points will be published behind a firewall on MOSL’s [GDPR website](#). If you have not nominated your contacts or wish to update your nominated contacts, please write to dataprotection@mosl.co.uk giving the following details:

- ◆ Trading Party name

- ◆ Nominee's full name
- ◆ Nominee's job title
- ◆ Nominee's contact email
- ◆ Nominee's phone number